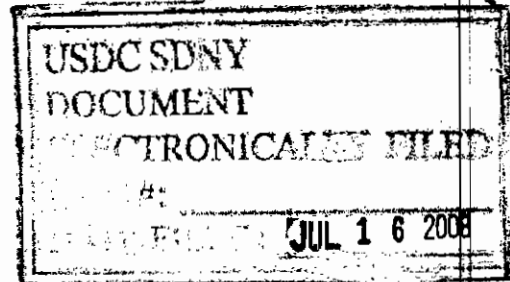


**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**



**AXION POWER INTERNATIONAL, INC.,
WILLIAM AND TRACY AHEARN, h/w,
SALLYONNER, and JAMES SMITH, M.D.,**

**07 CV 11493
(RWS) (AJP)**

Plaintiffs,

-against-

**MERCATUS & PARTNERS, LTD.,
CARI MASI a/k/a CARY MASI,
STEPHANO CEVALO,
AND DWIGHT PARSCALE,**

**STIPULATION AND ORDER
EXTENDING TIME
TO ANSWER FOR
DWIGHT PARSCALE**

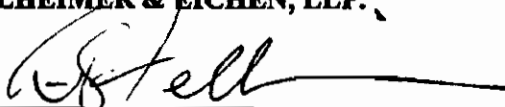
Defendants.


IT IS HEREBY STIPULATED AND AGREED by and between counsel for the
respective parties that Dwight Parscale's time to file an answer or to otherwise respond to the
Amended Complaint is extended until July 31, 2008.

Dated: Commack, New York
July 7, 2008

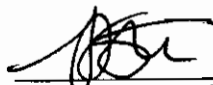
FELLHEIMER & EICHEN, LLP.

**THE LAW OFFICES OF
JAMES A. PRESTIANO, P.C.**

By: 
Alan S. Fellheimer, Esq. (AF-1401)
Attorneys for Plaintiffs
44 Wall Street, 12th Floor
New York, New York 10005
Tel. No. (212) 461-7142
Fax No. (212) 461-2223

By: 
James A. Prestiano, Esq. (JP-6699)
Attorneys for Dwight Parscale
631 Commack Road, Suite 2A
Commack, New York 11725
Tel. No. (631) 499-6000
Fax. No. (631) 499-6001

SO ORDERED.

 7/15/08
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE
Part I